



**AGENDA**  
**CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS**  
**COMMITTEE MEETING**  
**TUESDAY, MAY 29, 2012**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**1:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE MAY 22, 2012 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) Discussion regarding proposed Charter Amendments
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

\*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



## **MINUTES**

**CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS  
COMMITTEE MEETING  
TUESDAY, MAY 22, 2012  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
1:00 PM**

**1. CALL TO ORDER**

**Chairman Greenspan called the meeting to order at 1:04 p.m.**

**2. ROLL CALL**

**Assistant Deputy Clerk Thurman called the roll. Committee members Greenspan, Miller, and Connally were in attendance and a quorum was determined. Committee member Simon entered the meeting shortly after the roll call was taken. Committee member Brady was absent from the meeting.**

**3. PUBLIC COMMENT RELATED TO THE AGENDA**

**No public comments were given.**

**4. APPROVAL OF MINUTES FROM THE MAY 15, 2012 MEETING**

**A motion was made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the May 15, 2012 meeting.**

**5. MATTERS REFERRED TO COMMITTEE**

- a) Discussion regarding proposed Charter Amendments

**Mr. Miller addressed the Committee regarding Charter Proposal 2, relating to vacancies in the Office of the County Executive and County Council and the length of time for appointments. Discussion ensued.**

**Mr. Majeed Makhlouf, Law Director, addressed the Committee regarding Charter Proposal 2. Discussion ensued.**

**Committee members asked questions of Mr. Makhlouf, pertaining to the item, which he answered accordingly.**

**A motion was then made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to refer Charter Proposal 2 to the Law Department to draft a Resolution for Council.**

**Mr. Miller addressed the Committee regarding Charter Proposal 3, relating to actions of Council not requiring presentation to the Executive for approval or disapproval. Discussion ensued.**

**Mr. Makhlouf, Sr. Joanne Gross, Senior Policy Advisor, and Mr. Ed Morales, Assistant Director of Law, addressed the Committee regarding Charter Proposal 3. Discussion ensued.**

**Committee members and Councilmembers asked questions of Mr. Makhlouf, Sr. Gross and Mr. Morales pertaining to the item, which they answered accordingly.**

**A motion was then made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to refer Charter Proposal 3 to the Law Department to draft a Resolution for Council.**

**Ms. Connally addressed the Committee regarding Charter Proposal 9, relating to the County Audit Committee and the Department of Internal Auditing. Discussion ensued.**

**Mr. Wade Steen, Fiscal Officer, Mr. Makhlouf and Mr. Morales addressed the Committee regarding Charter Proposal 9. Discussion ensued.**

**Committee members asked questions of Mr. Steen, Mr. Makhlouf and Mr. Morales pertaining to the item, which they answered accordingly.**

**A motion was then made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to refer Charter Proposal 9 the Law Department to draft a Resolution for Council.**

**Mr. Steen, Mr. Jeff Mowry, Chief Information Officer, and Mr. Makhlouf addressed the Committee regarding Charter Proposal 4, relating to the roles of the Fiscal Officer, Treasurer and Chief Information Officer. Discussion ensued.**

**Committee members asked questions of Mr. Steen, Mr. Mowry and Mr. Makhlouf pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Greenspan with a second by Ms. Simon, Charter Proposal 4 was referred to the Law Department to draft a Resolution for Council.**

**6. MISCELLANEOUS BUSINESS**

**Mr. Greenspan announced that the Rules, Charter Review, Ethics & Council Operations Committee will meet on Tuesday, May 29, 2012 at 1 p.m. to discuss the proposed Charter Resolutions as drafted by the Law Department.**

**7. OTHER PUBLIC COMMENT**

**No public comments were given.**

**8. ADJOURNMENT**

**With no further business to discuss, Chairman Greenspan adjourned the meeting at 2:47 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>Councilmember Miller</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 4, and Article 3 Section 7 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to revise the provisions related to the filling of vacancies for County Executive and for County Council to ensure that the process for filling such vacancies coordinates properly with the election filing deadlines that are established by law.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Section 6.02 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

#### 2.04 Vacancy

In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs ~~in the first or second year of a~~

~~four year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term. If a vacancy occurs in the third or fourth year of a four year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four year term.~~ **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.** The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former ~~Council president~~ **President of Council** shall be filled in the manner described herein **as provided for in Article 3, Section 5 or 6, as applicable.**

### 3.07 Vacancies; Length of Appointment

~~If a vacancy occurs in the first or second year of a four year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four year term.~~ **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.**

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 2.04 and 3.07 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

**PROPOSED AMENDMENT TO COUNTY CHARTER**

Shall the County Charter be amended to align the provisions for filling vacancies for County Executive and for County Council with the primary election filing deadlines that are established by law?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 2, Section 4 and Article 3, Section 7 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012



# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>Councilmember Miller</b>	A <b>Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 3, Section 10, Subsection 5 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the Cuyahoga County Charter to provide that the County Council shall have the authority to pass ordinances and resolutions, without submission to the County Executive for approval, that provide for the County Council's internal operations, the approval of contracts and contract amendments for the Council's office, the making of appointments and confirmation of appointments by the County Executive, the exercise of Council's investigatory powers, and the submission of charter amendments to the electors.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Sections 3.10(5) and 3.10(8) of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

#### SECTION 3.10 ORGANIZATION, RULES AND PROCEDURES.

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of Council. Each **adopted** ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. **Notwithstanding the foregoing, the following actions shall be finally approved or**

**disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:**

**(a) Adoption or amendment of the rules and order of business of the Council;**

**(b) Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;**

**(c) Adoption of the Council office's organizational structure and hiring and setting compensation of the employees of the Council office consistent with the approved internal operating budget of the County Council office;**

**(d) Approval of contracts or amendments to contracts for services for the Council office, consistent with the approved internal operating budget of the County Council office;**

**(e) Confirmation of appointments recommended by the County Executive;**

**(f) Making of appointments designated in this Charter to be made by Council;**

**(g) Adoption of resolutions to require the attendance of County employees or officers at Council meetings and resolutions to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article 3, Section 12; and**

**(h) Submission of proposed amendments to this Charter to the electors of Cuyahoga County.**

**(8) Effective Dates of Legislation.** Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolution of cities. Unless a later time is specified therein, each measure designated to become immediately effective shall take effect upon signature by the County Executive, upon the expiration of the time during which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be. Each measure designated to become immediately effective shall contain a statement of the necessity for such action and shall require the affirmative vote of at least eight members of the Council for enactment. **Any ordinance or resolution that does not require presentation to the County Executive for approval or disapproval shall become effective in the same way provided for in this section, except that any required time intervals shall be determined starting with the time that the measure is signed by the presiding officer following adoption by the Council.**

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 3, Sections 10(5) and 10(b) shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

## PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to provide that the County Council shall have the authority to pass ordinances and resolutions, without submission to the County Executive for approval, that provide for the County Council's internal operations, the approval of contracts and contract amendments for the Council's office, the making of appointments and confirmation of appointments by the County Executive, the exercise of Council's investigatory powers, and the submission of charter amendments to the electors?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 3, Section 10, Subsection 5, which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:  
Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>Councilmember Miller</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 6, Section 2 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to clarify the composition, powers, and duties of the Cuyahoga County Board of Revision, to replace the County Treasurer's membership on the Board with a member of Council, to distinguish between the powers and duties of the Board itself from those of Hearing Boards employed by the Board and to provide that Hearing Board members have experience and proven ability in the areas of real estate appraisal, real estate and/or real estate law?

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Section 6.02 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

### SECTION 6.02 BOARD OF REVISION

There shall be ~~one or more~~ **a Board** Boards of Revision, ~~each consisting of three~~ electors of the County. ~~Two members of each board, who shall not be of the same~~

~~political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years. **which shall consist of the County Executive, the Fiscal Officer, and one County Councilperson, who shall be appointed by the Council President to a two-year term, ending at the end of each odd-numbered calendar year, or for the remainder of a two year term if a vacancy occurs. The** Each Board of Revision shall exercise all **powers and** duties of a county board of revision as prescribed by general law, **except as otherwise provided in this Charter.** The Council may provide for compensation for members of a Board of Revision. **There shall be no additional compensation for members of the Board of Revision in addition to their regular compensation by the County.**~~

**The Board of Revision shall determine its own rules and procedures, consistent with this charter and general law and shall appoint an Administrator and such other assistants as it deems necessary for the efficient performance of its duties, consistent with the County's operating budget. The Administrator shall be responsible for the office operations of the Board of Revision and the Hearing Boards and shall set the hearing schedules for hearing of complaints regarding the valuation of real property. The Board of Revision, with the assistance of the Fiscal Officer and the administrator of the Human Resources Commission, shall determine compensation for its administrative staff, who shall be unclassified employees.**

**The Board of Revision may create one or more Hearing Boards, which shall have the same powers to hear and make decisions on complaints as to the value of real property that are given to board of revision hearing boards by general law. The Board of Revision shall establish qualifications for members of the Hearing Boards to insure that such members have experience and proven ability in the areas of appraisal, real estate and/or law. Each Hearing Board shall consist of three residents of the County, appointed by the Board of Revision, subject to confirmation by the Council. If a position on any Hearing Board becomes vacant, the Board of Revision shall appoint a new member for the remainder of the term in the same way that the original members were appointed. If the Council fails to act on the question of any such appointment within thirty days of the date that the Board of Revision submits such appointment to Council for its consideration, that appointment shall be deemed confirmed without further action by the Council.**

**Each Hearing Board member shall be appointed to a term of three years, except that in consultation with the Administrator, the Board of Revision may create one or more temporary Hearing Boards with a term of up to one year in order to clear backlogs or in anticipation of heavy workloads. The above provisions on length of term notwithstanding, the Board of Revision shall, if it appoints more than one Hearing Board, adjust the term of future appointments so that the ending dates of the various Hearing Boards are**

**staggered, but the terms of all the members of any one Hearing Board end at the same time.**

**The Council, in consultation with the Board of Revision and the administrator of the Human Resources Commission, shall determine a compensation plan for members of the Hearing Boards, who shall be considered full-time unclassified employees of the Board of Revision. The Board of Revision may remove a member of a Hearing Board for cause, subject to confirmation by the Council, using the same confirmation process as for appointment.**

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 6.02 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

### **PROPOSED AMENDMENT TO COUNTY CHARTER**

Shall the County Charter be amended to clarify the composition, powers, and duties of the Cuyahoga County Board of Revision, to replace the County Treasurer's membership on the Board with a member of County Council, to distinguish between the powers and duties of the Board itself from those of Hearing Boards employed by the Board and to provide that Hearing Board members have experience and proven ability in the areas of real estate appraisal, real estate and/or real estate law?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 6, Section 2 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee:

Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012



# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Treasurer/Department of Purchasing</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 2, Section 7 and Article 10, Section 1 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter by creating a Department of Finance and Operations under the direction of the Fiscal Officer that shall have responsibility for all matters now assigned by the Charter to the Fiscal Officer, Treasurer, and the Purchasing Department.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Sections 5.02(1) the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

**SECTION 5.02 FISCAL OFFICER: POWERS, DUTIES AND QUALIFICATIONS.**

(1) Powers and Duties: The Fiscal Officer shall exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors, ~~and~~ county recorders, **and county treasurers**, and the powers and duties of clerks of court of common pleas other than those powers and duties related to serving the operation of the courts, and such other powers and duties not inconsistent herewith as provided herein or by ordinance. The Fiscal Officer shall prepare and maintain the tax maps for the County.

~~5.07 COUNTY TREASURER: POWERS, DUTIES AND QUALIFICATIONS.~~

~~All powers and duties now or hereafter vested in or imposed upon county treasurers by general law shall be carried out by the appointed County Treasurer. The County Treasurer shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law. The County Treasurer shall have had at least five years' experience in the management of financial matters for political subdivisions.~~

## ARTICLE X—PURCHASING FINANCE AND OPERATIONS

### 10.01: **Department of Finance and Operations** ~~Department of Purchasing~~

(1) ~~There shall be a Department of Purchasing under the direction of the County Executive, which shall be~~ **Department of Finance and Operations, under the direction of the Fiscal Officer. The Department shall have responsibility for all matters handled by county recorders, county auditors, and county treasurers under general law, and such other powers and duties not inconsistent herewith as provided herein or by ordinance.**

(2) **The Department of Finance and Operations shall also** be responsible, except as otherwise provided by this Charter or by ordinance, and to the extent permitted by the Ohio Constitution, for the purchase of goods and services required by all officers, offices, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County.

(3) **The Executive shall nominate, subject to Council's confirmation, a Deputy Fiscal Officer for Procurement and Diversity, and a Treasurer, and they shall report to the Fiscal Officer and serve at the pleasure of the County Executive.**

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 5, Sections 5.02 and 5.07, and Article 10, Section 10.01 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

### **PROPOSED AMENDMENT TO COUNTY CHARTER**

Shall the County Charter be amended to consolidate the financial operations of the County by creating a Department of Finance and Operations under the direction of the Fiscal Officer that shall have responsibility for all matters now assigned by the Charter to the Fiscal Officer, Treasurer, and the Purchasing Department?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 5, Sections 2 and 7 and Article 10, Section 1 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>Councilmember Conwell</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 9, Section 1 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to replace the joint authority of the County Executive and County Council to appoint and remove members of the Cuyahoga County Human Resources Commission through joint action by appointment and removal by the County Executive, subject to confirmation by County Council, to transfer such authority to be carried out by County Council exclusively.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Section 6.02 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

The ~~County Executive, subject to confirmation by the Council,~~ **Council** shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No

more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The ~~County Executive~~ **Council** shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.

No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.

The ~~County Executive~~ **Council** may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Section 9.01 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

### **PROPOSED AMENDMENT TO COUNTY CHARTER**

Shall the County Charter be amended to replace the joint authority of the County Executive and County Council to appoint and remove members of the Cuyahoga County Human Resources Commission through joint action by appointment and removal by the County Executive, subject to confirmation by County Council, to transfer such authority to be carried out by County Council exclusively?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 9, Section 1 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee:  
Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# County Council of Cuyahoga County, Ohio

## Resolution No. \_\_\_\_\_

Sponsored by: <b>County Executive FitzGerald</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03(1) and Article 9, Section 4 of the Charter of Cuyahoga County and declaring the necessity that this Resolution becomes immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to clarify the powers and duties of the County Executive with respect to promoting and demoting County employees and the jurisdiction of County appointing authorities with regard to employee transfers and layoffs.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13<sup>th</sup> day of November, 2012, the question of amending Sections 2.03(1) and 9.04 of the Charter of the County of Cuyahoga, the respective texts to be as set forth herein, with boldfaced and underlined text being added and crossed out text being deleted as follows:

#### **SECTION 2.03 POWER AND DUTIES**

(1) To appoint, **promote, demote**, suspend, discipline and remove all County personnel, including those appointive officers provided for in Article V hereof **and the employees in their departments** and except those who, as provided by general law, are under the jurisdiction of ~~officers~~,



boards, agencies, commissions, and authorities of the County other than the board of county commissioners, and except those who are appointed by the Council pursuant to Section 3.09(1) of this charter or by the Prosecuting Attorney.

#### SECTION 9.04 APPOINTING AUTHORITIES

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. **For purposes of layoff jurisdiction and transfer of employees, every Article V officer and every county department shall be its own jurisdiction. Consistent with Section 2.03(1), for purposes of employing, suspending, disciplining, promoting, demoting, and removing employees of the Article V officers and any department, approval of the County Executive shall be required.** Persons interested in employment with the County shall make application to the Department of Human Resources. No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the Human Resource Commission. All Appointing Authorities shall strive in making appointments in both the classified and the unclassified service to ensure that the diversity of the population of the County is reflected in the persons who are employed by the County.

**SECTION 2.** Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 2.03(1) and 9.04 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

#### **PROPOSED AMENDMENT TO COUNTY CHARTER**

Shall the County Charter be amended to clarify the powers and duties of the County Executive with respect to promoting and demoting County employees and the jurisdiction of the County Executive and County appointing authorities with regard to employee transfers and layoffs?

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 2, Section 2.03(1) and Article 9, Section 9.04 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

**SECTION 4.** The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the

electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

**SECTION 5.** It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
County Executive      Date

\_\_\_\_\_  
Clerk of Council      Date

First Reading/Referred to Committee:

Committee Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012